

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

LEXI HONEYCUTT, et. al.,)
Plaintiffs,)
v.)
CABINS FOR YOU, LLC, et al.,)
Defendants.)
No. 3:21-cv-311

**DEFENDANTS CABINS FOR YOU, LLC, AND SCOTT & JENN OSBORNE,
LLC, MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO PUNITIVE
DAMAGES**

Defendants, Cabins for You, LLC, (“CFY”), and Scott & Jenn Osborne, LLC, (“Osborne, LLC”), by and through counsel, pursuant to Fed. R. Civ. P. 56, submit their Motion for Partial Summary Judgment seeking dismissal of all punitive damages claims filed against them in the case.

1. In their Second Amended Complaint, Plaintiffs allege that Defendants CFY and Osborne, LLC, by and through their employees and agents, acted “with intent, and acted recklessly, maliciously, and fraudulently” in renting a cabin located at 869 Chestnut Way, Gatlinburg, Tennessee (the “Cabin”) on May 22, 2021 to the Plaintiffs with alleged knowledge of a carbon monoxide leak, and by removing an alarm/sounding carbon monoxide detector from the Cabin on, during, or immediately prior to the date of the Plaintiffs’ arrival at the Cabin so as to cause injuries to the Plaintiffs. [Doc. 59, ¶ 90-96].

2. The Plaintiffs' Second Amended Complaint [Doc. 59] alleges that CFY and Osborne, LLC solely made the decision to rent the Cabin to guests on May 20, 2021. The allegations in the Plaintiffs' Second Amended Complaint [Doc. 59, ¶ 90-96] are simply not

correct because as shown through discovery, the Cabin was approved for rental to the Plaintiffs on or about May 20, 2021 solely due to the actions, recommendations and reports from Ambient Heating & Air, LLC, (“Ambient”).

3. It is undisputed that prior to the incident on May 20-22, 2021, Defendant CFY, as rental management company for Osborne, LLC, contracted with and relied upon the expertise of its vendor, Ambient, a licensed Tennessee general contractor, which provided plumbing services, and its employee, Mark Tate, to investigate, repair and resolve any carbon monoxide issues at the Cabin and to advise as to whether the Cabin could be rented to guests on May 20, 2021.

4. There are no genuine issues of material fact to support any claim for punitive damages as to CFY and/or Osborne, LLC.

5. This Motion for Partial Summary Judgment on the punitive damage claims is supported by the Joint Appendix [Doc. 231] and the Defendants’ Memorandum of Law filed contemporaneously herewith.

WHEREFORE, based on the foregoing, the Plaintiffs cannot show with clear and convincing evidence that Cabins For You, LLC and Scott & Jenn Osborne, LLC engaged in any acts that were intentional, reckless, malicious or fraudulent in regard to renting the Cabin on or about May 20, 2021. Accordingly, Defendants Cabins For You, LLC, and Scott & Jenn Osborne, LLC, are entitled to a grant of partial summary judgment dismissing all claims for punitive damages made against them, as a matter of law.

Respectfully submitted this the 9th day of January 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of January 2023, the foregoing pleading, was served upon all persons below via email:

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